



DT07 Rec'd PCT/PT 1 JUN 2004

PCT  
307-seq  
#13

PATENT  
ATTORNEY DOCKET NO. 057309-5002-US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of : David M. Long *et al.*

U.S. Application No.: 10/018,691

International Appln. Filing Date: July 2, 1999

Group Art Unit: Unassigned

Date of National Stage Entry: December 20, 2001

Examiner: Unassigned

For: TAXOL PRODUCTION VIA GENERATION OF  
EXTRACHROMOSOMAL DNAs IN THE FUNGUS  
*PESTALOTIOPSIS*

Commissioner for Patents  
U.S. Patent & Trademark Office  
220 20th Street S.  
Customer Window, Mail Stop PCT  
Crystal Plaza Two, Lobby, Room 1B03  
Arlington, VA 22202

RECEIVED  
07 JUL 2004  
Legal Staff  
International Division

**SECOND RENEWED PETITION UNDER 37 C.F.R. § 1.137(b)**

Sir:

This Second Renewed Petition is submitted in response to the Decision on Petition under 37 C.F.R. 1.47(a) and 37 C.F.R. 1.137(b) ("Decision") dated May 25, 2004, which granted the petition under 37 C.F.R. 1.47(a) and dismissed the petition under 37 C.F.R. 1.137(b). The Decision stated that the petition under 37 C.F.R. 1.137(b) was dismissed because petitioners did not provide a proper reply to the Notification of Missing Requirements, dated March 20, 2002, requiring a diskette containing the Sequence Listing. The Decision requested a true copy of the sequence-related materials on the diskette submitted on April 18, 2003.

Petitioners note that in response to the Notification of Missing Requirements dated March 20, 2002, petitioners submitted a diskette containing the Sequence Listing along with a paper copy and a Statement Accompanying the Sequence Listing on April 18, 2003 (see enclosed date-stamped postcard of April 18, 2003). It appears that this diskette has been lost.

In response to the Decision dated May 25, 2004, petitioners submit a true copy of the diskette containing the Sequence Listing that was submitted on April 18, 2003 along with a paper copy printed therefrom and a new Statement Accompanying the Sequence Listing attesting to the identity of the information on the diskette and the paper copy of the Sequence Listing.

Since petitioners had submitted all the documents that were required to respond to the Notice of Missing Requirements by January 13, 2004 (see enclosed date-stamped postcards of April 18, 2003 and January 13, 2004), this application should be considered as in compliance with 35 USC 371(c)(1), (c)(2), and (c)(4) as of January 13, 2004. Please modify all records in the United States Patent and Trademark Office to reflect this status. If a filing receipt is prepared subsequent to the decision on petition, please also ensure that the "filing date", which reflects compliance with all of the national stage filing requirements, is January 13, 2004.

If there are any questions with regard to this submission please telephone undersigned.

#### Conclusion

Except for issue fees payable under 37 C.F.R. §1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. §1.16 and §1.17 which may be required, or credit any overpayment to Deposit Account No. 50-0310. Specifically, the Commissioner is authorized to charge a 3 month EOT fee under 37 C.F.R. 1.136(a) if this Renewed Petition is not found to be timely filed despite petitioners' arguments to the contrary, as set forth above.

- Enclosures:
1. Diskette Containing Sequence Listing
  2. Paper Copy of Sequence Listing
  3. Statement Accompanying Sequence Listing
  4. Date-Stamped Postcard I (dated April 18, 2003)
  5. Date-Stamped Postcard II (dated January 13, 2004)

Respectfully submitted,

**MORGAN, LEWIS & BOCKIUS LLP**

Date: June 1, 2004



Elizabeth C. Weimar

Registration No. 44,478

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**PLEASE STAMP AND RETURN TO SHOW RECEIPT OF:**

U.S. Patent Application of: David M. Long *et al.*

Application No.: 10/018,691  
International Filing Date: July 2, 1999

Group Art Unit: unassigned  
Examiner: unassigned

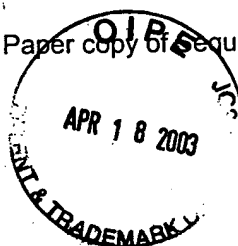
For: TAXOL PRODUCTION VIA GENERATION OF EXTRACHROMOSOMAL DNAs IN THE  
FUNGUS *PESTALOTIOPSIS*

**ATTN: BOX PCT**

\$780.00 – Deposit Account  
(\$65 – Pet. for Filing an App., \$650 – Pet. for Revival, \$65 – Missing Requirements)

1. Response to Notification of Missing Requirements under 35 U.S.C. § 371 in the U.S. Designated/Elected Office (DO/EO/US)
2. Copy of Notification of Missing Requirements
3. Petition for Filing an Application under 37 C.F.R. §1.47(a) with Accompanying Statement of Facts in Support Thereof
4. Petition for Revival of an International Application for Patent Designating the U.S. Abandoned Unintentionally under 37 CFR 1.137(b)
5. Combined Declaration/Power of Attorney
6. Statement Accompanying Sequence Listing w/ Paper copy of Sequence Listing and Diskette containing Sequence Listing

Dated: April 18, 2003  
Attorney Docket No.: 057309-5002-US  
EEV/hcw



**DOCKETED**  
By *SB* Date *4-20-03*

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U.S. Application No.: 10/018,691

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**MAIL STOP PCT**

1. Renewed Petition for Filing an Application under 37 C.F.R. §1.47(a) and 37 C.F.R. § 1.137(b) with accompanying Statement of Facts in Support Thereof
2. Declaration of Mr. Eric D. Smidansky
3. Executed Declaration of Mr. Gary A. Strobel
4. Date-stamped Postcard Receipt of April 18, 2003

Dated: January 13, 2004

Attorney Docket No.: 057309-5002-US

EEV/hcw



**BEST AVAILABLE COPY**

**DOCKETED**

By ELW Date 1/13/04